IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 12507 of 2005

Between:

Vishnu Educational Society, rep. by its Secretary & Correspondent - Ch.Raju S/o Chennaiah, D.D. Colony, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, School

Education, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh,

Hyderabad.
3 National Council for Teacher Education, Bangalore, Rep. by its

Regional Director.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the Memo No. 1675/TRH.I/04 dated 12-6-2004 of the 1st respondent and the consequential proceedings issued by the 2nd respondent dated 22-6-2004 in Rc.No.2490/N-2/04-14, as arbitrary, illegal and unconstitutional and consequently direct the respondents 1 and 2 to issue No Objection Certificate forthwith, while directing the 3rd respondent to grant permission to the Petitioner to commence B.Ed College At Thorrur, Warangal District.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the Memo No.1675/TRH.I/04 dated 12-6-2004 of the first respondent and the consequential proceedings of the second respondent dated 22-6-2004 in Rc.No.2490/N-2/04-14, as arbitrary, illegal and unconstitutional, and consequently direct the respondents 1 and 2 to issue No Objection Certificate forthwith, while directing the third respondent to grant permission to the petitioner to commence B.Ed., College At Thorrur, Warangal District.

2. According to the petitioner, the State Government issued a notification dated 01-12-2003 calling for applications for starting B.Ed., Colleges for the academic year 2004-2005. Pursuant to the said notification, the petitioner made its application. It is stated that while the application of the petitioner was under the process of consideration, the first respondent issued the impugned proceedings dated 12-06-2004 directing the second respondent to cancel the notification dated 01-12-2003, and consequential proceedings were issued by the second respondent dated 22-6-2004 canceling the said notification. According to the petitioner as he has complied with all the requirements for issuance of No Objection Certificate, the respondents are obligated to issue the same. It is also stated that a similar issue has come up for consideration before this Court in W.P.No.10653 of 2004 dated 12-04-2005 in the case of **The Mahalakshmi Devi Education Society v. The Government of A.P.,** where a learned Single Judge of this Court held that the action of the respondents 1 and 2 is illegal, and therefore set aside the same and the third respondent was even directed to consider the application of the petitioner in accordance with law.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. It is conceded even by the learned Government Pleader that the issue is covered by the judgment of this Court, but filed an appeal, which is yet to come up for admission. The petitioners are also on par with the other petitioners

where the impugned orders of the respondents 1 and 2 are set aside and a direction was given to the third respondent.

5 . In view of the above facts and circumstances of the case, the impugned proceedings of the respondents 1 and 2 are set aside and the first respondent is directed to consider the case of the petitioner for issuing no objection certificate.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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15th June, 2005, S.ANANDA REDDY, J

Note:

Furnish C.C. within three days.

B/o.

SKM

To

1 The Secretary, Government of Andhra Pradesh, School

Education, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh,

Hyderabad.
3 The Regional Director,

National Council for Teacher Education, Bangalore,

4. Two CCs to the G.P for School Education,

High Court Buildings, High Court of A.P.,

Hyderabad.

5. 2 CD copies